

Regulatory Impact Report

Program: Air Pollution Control

Rule number: 10 CSR 10-6.065

Rule title: Operating Permits

Type of rulemaking: Amendment

Submitted by: _____ **Date** _____
Leanne Tippett, APCP Program Director

Review and Approval

Legal Counsel: _____ **Date** _____

Director: _____ **Division** _____ **Date** _____
James D. Werner, Director

1. What is the purpose of the rulemaking?

The purpose of this rulemaking is to implement the governor's operating permit streamlining recommendations that resulted from the combined Air Program Advisory Forum (APAF), the U.S. Environmental Protection Agency (EPA) and the Missouri Department of Natural Resources' Air Pollution Control Program recommendations. The proposed amendment language will address the concerns of the regulated community without having a negative impact on air quality. This rulemaking will help streamline and increase the efficiency of the Basic and Intermediate Operating Permit Programs, minimizing the workload on both industry and Program Staff while maintaining ambient air quality standards.

2. Why is the rulemaking being proposed now?

This rulemaking is being proposed now to put the operating permit streamlining recommendations into action. The discussions with APAF have concluded and now is the time to implement the rule changes that will increase the efficiency of the Operating Permit Program.

3. Is this rulemaking solely an adoption of federal mandates without variance?

This amendment is not an adoption of federal mandates in any form. This rulemaking addresses only the processes that have been previously established within this rule.

4. What authority does DNR have to carry out this rulemaking?

The DNR has the following authority to carry out this rulemaking:
643.050, Powers and duties of commission, provides the commission shall have the power to adopt, promulgate, amend and repeal rules and regulations consistent with the general intent and purposes of sections 643.010 to 643.190, RSMo and chapter 536,

RSMo.

643.055, Commission may adopt rules for compliance with federal law, provides the commission shall have authority to promulgate rules and regulations to establish standards and guidelines to ensure the state is in compliance with the provisions of the federal Clean Air Act. The state is prohibited from being stricter than the federal Clean Air Act except for nonattainment and maintenance areas.

5. What does the rulemaking require and how does it produce environmental benefits?

There are no environmental benefits produced as a result of this rulemaking. This rulemaking only effects the processes of the Operating Permit Program, by streamlining and improving their efficiency. This rulemaking implements streamlining recommendations developed by a subcommittee of the APAF. The most notable change is the deletion of the requirement for industry to submit an annual compliance certification for Basic Operating Permits. Other revisions result in a drastic reduction in paperwork for both industry and program staff and include reducing the number of notifications required for facilities considered Basic sources and incorporating previous permits and/or applications by reference for facilities considered Intermediate sources. There are 1,429 various facilities across the state that will be affected by this rulemaking. Once promulgated, this rulemaking will reduce the workload for both industry and program staff while maintaining ambient air quality standards.

6. What readily available information was used to develop the rulemaking?

The readily available information used to develop this rulemaking are the discussions and the resulting recommendations from Air Program Advisory Forum meetings and subcommittee conference calls. Attached are summaries of the Operating Permit portions of the August 28, 2003, November 18, 2003, and January 15, 2004, meetings of the Air Program Advisory Forum. Summaries of several subcommittee conference calls that took place in October, 2003, and the forms and other informational emails that were discussed in subcommittee have also been included. Also attached is a copy of the letter dated January 13, 2004, from the EPA commenting on the proposed amendment to the rule.

7. Are there other effects that may accompany the rulemaking?

Promulgating this rulemaking should help establish good rapport between the regulated community and the regulators while continuing to protect and maintain the air quality of Missouri. There will not be a reduction to the air quality in Missouri as this rule amendment does not remove any of the environmental protective requirements from the original rule. However, the paperwork required to obtain an operating permit has dramatically decreased. A Basic Operating Permit is now only four (4) pages and an Intermediate Renewal is now between five (5) and ten (10) pages, where they both used to be twenty (20) to fifty (50) pages. The decrease in paperwork for facilities may provide for an increase in economic development by making Missouri more attractive for business relocation and expansion.

8. What would happen without the rulemaking?

Without this rulemaking, the current increased workload for both industry and program staff will continue.

9. Are there other ways these public benefits could be obtained?

There are not any direct public benefits produced as a result of this rulemaking. This rulemaking only effects the processes of the Operating Permit Program, by streamlining and improving their efficiency, and reducing the regulatory burden on industry while maintaining ambient air quality standards.

10. Who is affected by the rulemaking?

Affected entities include all businesses seeking, renewing, or currently have a Basic or Intermediate operating permit, and the department's Air Pollution Control Operating Permit Program. Currently, there are 1,429 various facilities across the state that will be affected by this rulemaking.

11. How much will the rulemaking cost?

As this rulemaking will reduce the workload for both public and private entities, we expect savings instead of costs.

12. Will this rulemaking impact small businesses?

The Governor's Executive Order 03-15 on regulatory fairness for small businesses defines a small business as one with 50 or fewer employees. The response to this question serves as the small business impact statement required under Executive Order 03-15.

We do not expect this rulemaking to be a burden small businesses. The results of this rulemaking will be that of a reduced workload, saving time and money for both businesses and the department's Air Pollution Control Program. Since adverse affects are not expected, mitigating techniques were not necessary. Small businesses will have opportunities to comment on this rulemaking at least 30 days prior to a public hearing, at a public hearing and for 7 days after the public hearing.

13. Does the rulemaking have any effect on state revenue?

We do not expect any additional costs to the State, but expect the possible benefit of redirecting our strained resources. Over time, the workload on the Operating Permit staff has increased, yet we have not increased the number of staff. The time saved from spending less back and forth time with facilities while writing the permits will allow staff to work on and reduce the backlog of current operating permit projects.

14. Who was involved in developing the rulemaking?

Those involved in the development of the rulemaking included: Kevin Perry (RegForm), Melissa Hart (Environ International Corporation), Andy Polcyn (Advance Environmental Association), Gerard Gregg (Riverstone Group), Omer Roberts (DNR/OAC), Kathrina Donegan (St. Louis County APCP), Charlie Kutterer (MEMC), Eric Brown (St. Louis City), Robert Brundage (Newman, Comley and Ruth, P.C.) and Harriet Jones, Donald Toensing, Robert Patrick and Jon Knodel from the U.S. Environmental Protection Agency. The department staff included: Pam Muren, Kelen Shostak, Ben Elmore, Wayne Graf, Paul Jeffery, John Rustige, Steve Feeler, Jim Kavanaugh, Refaat Mefrakis,

and the program Director Leanne Tippet Mosby. These representatives were present at many of the conference calls and meetings that were organized during the development of this proposed amendment. APAF met once a month to discuss and proceed with the development of this rulemaking and conference calls with the participating subcommittees took place twice a month. Both the meetings and the conference calls continued at that frequency since August 28, 2003, when the Air Pollution Control Program met with APAF to review the Operating Permit Rule requirements.

15. How has the development of the rulemaking been shared with interested parties and the public at large?

Subcommittee members participated in the conference calls and meetings, and email was used extensively to address ideas and to receive input on the proposed rule language for conference calls and meetings. Also, the program discussed the status and activities during the larger APAF meeting and at Missouri Air Conservation Commission meetings.

16. Who may I contact to either ask questions or provide input on this rulemaking?

Send written comments to:
Chief, Operations Section,
Missouri Department of Natural Resources' Air Pollution Control Program
PO Box 176
Jefferson City, MO 65102-0176

Or

Missouri Air Conservation Commission (MACC)
PO Box 176
Jefferson City, MO 65102-0176

Or call: (573) - 751-4817

17. How can I provide formal comments on either the Regulatory Impact Report or the proposed rulemaking?

Formal comments can be provided on either the Regulatory Impact Report or the proposed rulemaking by sending them to a contact listed in the previous question or during the public hearing that will be held on this rulemaking.

18. What is the draft schedule for this rulemaking?

The draft schedule for this rulemaking is:
Public hearing – 3/31/05; MACC adoption – 4/28/05; Effective date – 8/30/05



Kelen Shostak

09/22/2003 02:08 PM

To: Air Program Advisory Forum

cc: Kay Craig/APCP/DEQ/MODNR@MODNR, Missy

Seeligman/APCP/DEQ/MODNR@MODNR, Tami

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Miller/APCP/DEQ/MODNR@MODNR, Shawna

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Subject: August 28, 2003 Air Program Advisory Forum Meeting

To all Forum Participants:

Although a little late, here is a summary of the Air Program Advisory Forum Meeting that was held in Jefferson City on August 28, 2003.

Leanne Tippet, Director of the Air Pollution Control Program, started off the meeting thanking everyone for attending and for their recent support concerning the recent emission fee increase. She continued by explaining that the forum was being reconvened in an effort to streamline some of the Air Programs' processes. Three processes had already been identified: Possible additions to the Construction Permit by Rule (APCP contact person- Maher Jaafari), Modifications to the Basic Operating Permit program (APCP contact person- Pam Muren), Possible Changes to the Insignificant Levels (APCP contact person- Kyra Moore). Subcommittees were formed for these three subcommittees (a list of each subcommittee is attached). Leanne stressed the importance of seeing resolutions to these issues. She set a 2-3 month timeframe for results.

After each of these issues were addressed Jim Werner, Director of the Air and Land Protection Division, offered up his support for this effort to change the way we (DNR) do business by streamlining processes when applicable.

Group discusses were held after the introduction concerning each of the three main issues identified above. After the discussion, Leanne asked if there were any other issues that the forum would like to address. The submittal of EIQs was the major additional issue addressed. Leanne stated that after the initial three issues are resolved then the forum can look at the EIQ issue. It was recommended that the subcommittee tasked with addressing the Insignificance level be the group assigned to the EIQ issue.

To close the meeting the next Forum meeting was scheduled for October 28, 2003, 1-3 pm, Jefferson City (details and an invite to follow).

Kelen K. Shostak, P.E.

SIP/IM Unit Chief, Air Pollution Control Program

Missouri Department of Natural Resources

work: (573) 526-3420 fax: (573) 751-2706



Kelen Shostak

06/28/2004 09:44
AM

To: Ben Elmore/APCP/DEQ/MODNR@MODNR
cc:
Subject: OP SUB Committee info from Gov Reports

Here is some info on op subcommittee...

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St. Louis Air Quality and Mobile Source Coordinator

Air Pollution Control Program/ Department of Natural Resources

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----- Forwarded by Kelen Shostak/APCP/DEQ/MODNR on 06/28/2004 09:44 AM -----



Sarah McMichael

06/28/2004 09:43
AM

To: Kelen Shostak/APCP/DEQ/MODNR@MODNR
cc:
Subject: OP SUB Committee info from Gov Reports

Sept.

On August 28, 2003, the Air Pollution Control Program met with the Air Program Advisory Forum and convened a subcommittee to discuss changes to the Basic Operating Permit Program. The Basic Operating Permit subcommittee consists of the following members: Eric Brown (St. Louis City – Local Agency), Robert Brundage (Mo-Ag), Kathrina Donegan (St. Louis County – Local Agency), Gerard Gregg (Central Stone), Melissa Hart (Environ), Pamela Muren (APCP), Kevin Perry (RegForm), Andy Polcyn (Advance Environmental) and Omer Roberts (EAO). The subcommittee agreed to work on revising the Basic Operating Permit Program and to have a recommendation for the Air Program Advisory Forum by the October 28, 2003, meeting. The deadline for a final recommendation is December 1, 2003.

Sept Part II

The Basic Operating Permit subcommittee from the Air Program Advisory Forum discussed options via conference call on September 5 and 12, 2003. The subcommittee is in the process of revising the contents of the Basic Operating Permit notification. The subcommittee is also discussing revisions to the Intermediate Permit process that would mirror the Part 70 Program. The subcommittee will meet October 3, 2003, via conference call.

Oct.

The Basic Operating Permit subcommittee from the Air Program Advisory Forum discussed options via conference call on September 19, and October 3, 2003. The subcommittee has drafted a revised Basic Operating Permit notification and is initiating work on the instructions. The subcommittee is also initiating discussions on revisions to the rule language for Sections (4) and (5) of 10 CSR 10-6.065, *Operating Permits*, for the Basic and Intermediate Operating Permits. The subcommittee had scheduled a conference call on October 8, 2003.

Oct Part II

The Basic Operating Permit (OP) subcommittee from the Air Program Advisory Forum had a conference call on October 8, however due to low attendance by industry participants the

subcommittee could not come to a consensus and move forward on issues. The subcommittee met on October 20, 2003, via conference call and discussed the Basic OP Form, Instructions and Rule Language.

It appears that the subcommittee has come to a consensus on the Form and we are working on the instructions for the Form. The subcommittee has modified the Basic Operating Permits Notification Form into two four-page documents (one for the St. Louis Area and one for the rest of the state). There are several areas of concern that remain with a couple issues in the instructions. The subcommittee is working to resolve these issues with revisions to the "draft" instructions.

Annual Compliance Certifications for the Basic Operating Permits remain a major issue for the Basic sources. The department is requesting an annual compliance certification for the Basic installations to certify compliance with all applicable requirements on a one-page checklist. Potential to Emit and the inclusion of fugitive emissions for the Basic Operating Permits also became an issue for the Basic installations in the conference call. The program is working with the subcommittee members and EPA to resolve these issues prior to the October 28, 2003, Air Program Advisory Forum meeting.

Dec

The Basic Operating Permit subcommittee presented a revised Basic Operating Permit Program at the Air Program Advisory Forum meeting on November 18, 2003. The recommendation consists of modifications to the Basic Operating Permit Notification Forms and revisions to the Basic portion of the Operating Permits regulations.

The revisions to the regulation for Basic sources include: the treatment of fugitive emissions with regards to applicability, an installation equipment log for the record keeping requirement, a clarification on permit amendments and modifications, and the removal of the annual compliance certification and a revised operating permit notification.

With the changes requiring rule amendments, the program asked the Missouri Air Conservation Commission to grant a variance for two sections of the Operating Permits regulation for Basic installations. On December 4, 2003, the commission granted a variance from the Basic Operating Permit requirements of 10 CSR 10-6.065(4)(G), Notification Contents, and (4)(I), Compliance Reporting. Based on the variance, the Basic installations will be able to use the revised notification forms and are not required to submit an annual compliance certification requirement for 2003, which would have been due on April 1, 2004.

The program is in the process of developing the rulemaking package to accomplish these amendments to the Basic Operating Permit Program. In addition, the program is also in the process of posting the revised notifications on the program's web site in Microsoft Word format and the Environmental Assistance Office is using the revised notifications in the Operating Permit Workshops.

Sarah McMichael
Public Information Specialist
Air Pollution Control Program
Missouri Department of Natural Resources
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Summary of January 15, 2004 Air Program Advisory Forum re: Basic Operating Permit Rule Changes

Revised forms and instructions are available on the web. The files are also available in Word format.

Permit Shield Discussion:

Intermediate permits do not shield the installation from Part 70 requirements until their intermediate permit is federally enforceable (after public comment period). The Environmental Protection Agency (EPA) does not have to recognize the state's variances as well as the state's intermediates until the public comment period is complete). EPA does not honor but they do not necessarily enforce this issue.

Permit and application shields are two different things.

EPA said no to application(notification) shields for intermediate permits.

Intermediates can not have application shields although Part 70 permits can. Intermediate permits are state enforceable when date stamped and federally enforceable after the public comment period.

One potential solution to this issue: Mark Part 70 and Intermediate on the application. The permit holders would have to add Section C of the application if this solution was used.

Current Permit Process:

Application submitted
Completeness check conducted
Notification "date stamped" and returned to installation

Technical review
Public comment period (30 days)
Response to public comments
Permit Issued or Accepted

Definition of Intermediate:

Question posed to the forum concerning changing the definition of intermediate. Do we want to stay with original definition or open new definition up for comment.

Jack Barsanti suggested that the state stay with the old definition language so we could stay on schedule with our target date of filing rule on April 1, 2004. If it was decided to change the definition the state would have to contact EPA and discuss because we have not asked them to comment on this issue to date.

Leanne asked if participants could please contact intermediate permit holders because there was no one present that had an intermediate permit.

Next there was a conversation about amending the construction permit. A question was asked about opening a construction permit to add an amendment to put in limits. Permit holders would have to request this and provide justification.

It was decided that the OP subcommittee would proceed in the direction of not changing the definition of intermediate and going on with the rule language changes.



"Melissa Hart"
<mhart@environcorp.com>

09/11/2003 10:57 AM

To: "Kelen Shostak" <nrrshosk@mail.dnr.state.mo.us>, gig@riverstonegrp.com, kathrina_donegan@stlouisco.com, mo-ag@mo-ag.com, nrrobo@dnr.state.mo.us, "Pam Muren" <nrmurep@mail.dnr.state.mo.us>, polycyna@advanceenvironmental.comj, regformklp@aol.com, "Mary Snow-Cooper (E-mail)" <ms1@daimlerchrysler.com>
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Subject: Basic Operating Permit-Draft

Good morning! Attached is my first attempt to draft a notification format for the BOP. Please review, attack, comment, whatever!!!

Thanks, Mis

Melissa S. Hart

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- BOP Permit.doc

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MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM

GENERAL NOTIFICATION INFORMATION

[illegible]

[illegible]



Kelen Shostak

09/22/2003 04:43 PM

To: Basic Operating Permit Subcommittee

cc: Jim Kavanaugh/APCP/DEQ/MODNR@MODNR, Leanne

Tippett/APCP/DEQ/MODNR@MODNR

Subject: Follow up to Friday's Basic Oper. Permit Mtg

This is just to provide a summary of the conference call held on Friday, September 19, 2003, for the Basic Operating Permit Subcommittee.

Attendees: Kelen Shostak, Pam Muren, John Rustige, Steve Feeler, Paul Jefferies (all from APCP/MDNR)
Omer Roberts (MDNR/ OAC), Kathrina Donegan (St Louis Co), Missy Hart (Environ),
Andy Polcyn (Advance Engineering),
Gerry Gregg (Riverstone Group), Joe Heilweck, Lain Pacini, Phillip Saller (all from St. Louis City)

The application forms/ ideas submitted by all parties was discussed by the group and then the group went over the application submitted by Missy Hart and edited it line by line. Missy agreed to make the corrections and get an updated draft out to the group early next week. It was agreed that another conference call will be held before the scheduled October 8, 2003, face-to-face meeting at the St. Louis Regional Office. The conference call is scheduled for October 3, 2003, at 9:30 am. A phone number is forthcoming.

Talk to you then.

Kelen K. Shostak, P.E.
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"Melissa Hart"
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09/29/2003 01:45 PM

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cc:

Subject: Latest BOP Forms

Good Afternoon All---Please review the latest revisions to the forms for the Basics. Since St. Louis sources have more rules to deal with, DNR suggested a St. Louis source only form and one for the rest of the MO sources.

If you have major comments, please let me know. We can discuss these forms on Friday.

Cheers! Mis

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- BOP Permit_092903.doc

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MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
BASIC OPERATING PERMIT NOTIFICATION (DRAFT)

SECTION A: GENERAL NOTIFICATION INFORMATION					
1. INSTALLATION NAME		2. FIPS	3. PLANT NO.	4. YEAR SUBMITTED	5. DATE STAMP
6. INSTALLATION MAILING ADDRESS		STATE MO	7. ZIP CODE		8. PRIMARY SIC CODE
9. INSTALLATION STREET ADDRESS		STATE MO	10. ZIP CODE		11. COUNTY NAME
12. INSTALLATION PHONE NUMBER		13. INSTALLATION FAX NUMBER		14. SENATORIAL NO.	15. REPRESENTATIVE NO.
16. CONTACT PERSON		17. CONTACT PERSON PHONE NO.		18. CONTACT PERSON EMAIL	
19. PARENT COMPANY NAME		20. PARENT COMPANY ADDRESS/CITY/STATE/ZIPCODE			
21. PARENT COMPANY CONTACT		22. PARENT COMPANY CONTACT PHONE		23. PARENT COMPANY CONTACT EMAIL	
INSTALLATION DESCRIPTION					
24.					
24. Has your installation submitted an EIQ in the last 5 years (including all Form 2.0's)?				25. (Circle one) Y N (if no, submit full EIQ packet with this notification)	
COMPLIANCE STATUS WITH ALL APPLICABLE REQUIREMENTS					
26. Will your installation be in compliance with all applicable requirements at the time of notification submittal and continue to comply with these requirements for the duration of the notification?				27. (Circle one) Y N (if no, submit compliance plan)	
28. Will your installation be in compliance with all applicable requirements taking effect during the time of this notification?				29. (Circle one) Y N (if no, submit compliance plan)	
COMPLIANCE PLAN (IF SOURCE ANSWERS NO TO ITEMS 25 AND 27 ABOVE)					
30. Please specify which applicable regulations the source is not expected to be in compliance, including how source shall meet compliance and enforceable measures leading to compliance.				31. DATE SOURCE EXPECTS TO BE IN COMPLIANCE	
CERTIFICATION OF COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS AND APPLICANT'S CERTIFICATION STATEMENT FOR OPERATING PERMIT NOTIFICATION					
32. I hereby certify that, based on information and belief formed after reasonable inquiry, the air contaminant source identified in this application is in compliance with all applicable requirements, except as noted in compliance plan (item 28 above), if applicable. I certify, based on information formed after reasonable inquiry, the statements and information in this document are true, accurate and complete.					
33. SIGNATURE OF RESPONSIBLE OFFICIAL OF COMPANY				34. DATE	
35. TYPE OR PRINT NAME OF RESPONSIBLE OFFICIAL			36. OFFICIAL TITLE OF RESPONSIBLE OFFICIAL		

MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
BASIC OPERATING PERMIT NOTIFICATION (DRAFT)

SECTION B: APPLICABLE REQUIREMENTS			
The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. The full text of the State and Federal Regulations are available at the respective websites: http://www.dnr.state.mo.us/oac/forms/index.html (State); http://www.tnrc.state.tx.us/permitting/airperm/opd/60/60hmpg.htm (Part 60); http://www.epa.gov/ttn/atw/eparules.html (Part 63); http://www.tnrc.state.tx.us/permitting/airperm/opd/61/61hmpg.htm (Part 61); and http://www.tnrc.state.tx.us/permitting/airperm/opd/82/82hmpg.htm (Part 82).			
REGULATION OR CONSTRUCTION PERMIT REFERENCE	APPLICABLE EMISSION POINT (AS LISTED IN EIQ)	APPLICABLE EMISSION LIMIT OR STANDARD	METHOD OF COMPLIANCE
10 CSR 10-2.100, 10-3.030, or 10-4.090, Open Burning Restrictions		Shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.	Any person intending to engage in open burning shall submit a request to the Director.
10 CSR 10-2.070, 10-3.090 or 10-4.070, Restriction of Emission of Odors		No person may cause, permit or allow the emission of odorous matter in concentrations & frequencies or for durations that odor can be perceived when the air is diluted to 1:7 volumes of odorous to odor-free air for 2 separate trails not less than 15 minutes apart within 1 hour.	No odor violations noted, if and when scentometer readings taken.
10 CSR 10-6.050, Start-up, Shutdown and Malfunction Conditions		Submit a report to the director within 2 days with the information specified in 10 CSR 10-6.050(3)(A)1-10. The permittee shall submit the information specified in 10 CSR 10-6.050(3)(A)1.-10 to the director at least 10 days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed 1 hour.	In the event of a malfunction, which results in excess emissions that exceed 1 hr, the permittee shall implement corrective action and submit reports.
10 CSR 10-6.060, Construction Permits Required		Shall not commence construction or modification of any installation subject to this rule; begin operation after construction or modification; or begin operation of any installation which has been shut down longer than 5 years without first obtaining a permit.	The permittee shall apply for and obtain a construction permit as required by 10 CSR 10-6.060. The permittee shall maintain copies of all issued construction permits on site.
10 CSR 10-6.065, Operating Permits		The permittee shall comply with all applicable requirements identified in the operating permit; file for renewal of this OP between 6-18 months prior to the expiration date of this OP; and retain a copy of the OP on-site and make available to any MDNR personnel upon request.	The permittee shall submit an annual compliance certification to the MDNR-APCP/Local Agency on April 15. The permittee shall maintain a current equipment list on-site with the date of installation of the equipment.
10 CSR 10-6.080, Emission Standards for HAPs 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos		Shall follow the procedures and conduct monitoring according to the requirements of 40 CFR Part 61, Subpart M for any affected activities.	As stated in the procedures and monitoring according to the requirements of 40 CFR Part 61, Subpart M.
10 CSR 10-6.100, Alternate Emission Limits		Alternate emission limits on a case-by-case basis.	Obtain an alternate emission limits permit in accordance with 10 CSR 10-6.100 prior to the limits becoming effective.
10 CSR 10-6.110, Submission of Emission Data, Emission Fees and Process Information		Submittal of EIQ by frequency noted in 10 CSR 10-6.110.	The permittee shall complete and submit an EIQ in accordance with 10 CSR 10-6.110.
10 CSR 10-6.130, Controlling Emissions During Episodes of High Air Pollution Potential		This rule specifies the conditions that establish and air pollution alert or emergency and the associated procedures.	The permittee shall submit an appropriate emergency plan if required by the Director.
10 CSR 10-6.150, Circumvention		<u>No circumvention</u>	The permittee shall not conceal or dilute and emission that violates a rule of the Missouri Air Conservation Commission.
10 CSR 10-6.180, Measurement of Emissions of Air Contaminants		The director may conduct or require tests to determine the quantity and/or nature of emission of air contaminants from a source.	The installation shall conduct or allow tests to be conducted upon request of the Director.
10 CSR 10-6.250, Asbestos Abatement Projects – Certification, Accreditation, & Business Exemption Requirements		The procedures for certification and accreditation of 10 CSR 10-6.250.	The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6,.250.
10 CSR 10-6.280, Compliance Monitoring Usage		The permittee is not prohibited from using the method specified in 10 CSR 10-6.280(3)(A)1-3 in addition to any specified	Any credible evidence may be used to establish whether a requirement has been violated.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM

compliance methods for the purpose of submission of compliance certifications.

SECTION B: APPLICABLE REQUIREMENTS

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. The full text of the State and Federal Regulations are available at the respective websites: <http://www.dnr.state.mo.us/oae/forms/index.html> (State); <http://www.mnrc.state.tx.us/permitting/airperm/opd/60/60hmpc.htm> (Part 60); <http://www.epa.gov/ttn/atw/cnrules.html> (Part 63); <http://www.mnrc.state.tx.us/permitting/airperm/opd/61/61hmpc.htm> (Part 61); and <http://www.mnrc.state.tx.us/permitting/airperm/opd/82/82hmpc.htm> (Part 82).

[illegible]

MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
BASIC OPERATING PERMIT NOTIFICATION (DRAFT)

SECTION C. COMMENT FORM (OPTIONAL)

Please use for compliance plan (item 29 above) or for additional requirements.

INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED

MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM

BASIC OPERATING PERMIT NOTIFICATION-ST. LOUIS SOURCES ONLY(DRAFT)

SECTION A: GENERAL NOTIFICATION INFORMATION					
1. INSTALLATION NAME		2. FIPS	3. PLANT NO.	4. YEAR SUBMITTED	5. DATE STAMP
6. INSTALLATION MAILING ADDRESS		STATE MO	7. ZIP CODE		8. PRIMARY SIC CODE
9. INSTALLATION STREET ADDRESS		STATE MO	10. ZIP CODE		11. COUNTY NAME
12. INSTALLATION PHONE NUMBER	13. INSTALLATION FAX NUMBER		14. SENATORIAL NO.	15. REPRESENTATIVE NO.	
16. CONTACT PERSON	16. CONTACT PERSON PHONE NO.		17. CONTACT PERSON EMAIL		
18. PARENT COMPANY NAME	19. PARENT COMPANY ADDRESS/CITY/STATE/ZIPCODE				
20. PARENT COMPANY CONTACT	21. PARENT COMPANY CONTACT PHONE		22. PARENT COMPANY CONTACT EMAIL		
INSTALLATION DESCRIPTION					
23.					
24. Has your installation submitted an EIQ in the last 5 years (including all Form 2.0's)?			25. (Circle one) Y N (if no, submit full EIQ packet with this notification)		
COMPLIANCE STATUS WITH ALL APPLICABLE REQUIREMENTS					
26. Will your installation be in compliance with all applicable requirements at the time of notification submittal and continue to comply with these requirements for the duration of the notification?			27. (Circle one) Y N (if no, submit compliance plan)		
28. Will your installation be in compliance with all applicable requirements taking effect during the time of this notification?			29. (Circle one) Y N (if no, submit compliance plan)		
COMPLIANCE PLAN (IF SOURCE ANSWERS NO TO ITEMS 25 AND 27 ABOVE)					
30. Please specify which applicable regulations the source is not expected to be in compliance, including how source shall meet compliance and enforceable measures leading to compliance.			31. DATE SOURCE EXPECTS TO BE IN COMPLIANCE		
CERTIFICATION OF COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS AND APPLICANT'S CERTIFICATION STATEMENT FOR OPERATING PERMIT NOTIFICATION					
32. I hereby certify that, based on information and belief formed after reasonable inquiry, the air contaminant source identified in this application is in compliance with all applicable requirements, except as noted in compliance plan (Item 28 above), if applicable. I certify, based on information formed after reasonable inquiry, the statements and information in this document are true, accurate and complete.					
33. SIGNATURE OF RESPONSIBLE OFFICIAL OF COMPANY			34. DATE		
35. TYPE OR PRINT NAME OF RESPONSIBLE OFFICIAL		36. OFFICIAL TITLE OF RESPONSIBLE OFFICIAL			

MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
BASIC OPERATING PERMIT NOTIFICATION-ST. LOUIS SOURCES ONLY(DRAFT)

SECTION B: APPLICABLE REQUIREMENTS The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. The full text of the State and Federal Regulations are available at the respective websites: http://www.dnr.state.mo.us/oac/forms/index.html (State); http://www.tnrc.state.tx.us/permitting/airperm/opd/60/60hmpg.htm (Part 60); http://www.epa.gov/ttn/atw/eparules.html (Part 63); http://www.tnrc.state.tx.us/permitting/airperm/opd/61/61hmpg.htm (Part 61); and http://www.tnrc.state.tx.us/permitting/airperm/opd/82/82hmpg.htm (Part 82).			
REGULATION OR CONSTRUCTION PERMIT REFERENCE	APPLICABLE EMISSION POINT (AS LISTED IN EQ)	APPLICABLE EMISSION LIMIT OR STANDARD	METHOD OF COMPLIANCE
10 CSR 10-5.040, Use of Fuel in Hand-Fired Equipment Prohibited		It shall be unlawful to operate any hand-fired fuel-burning equipment in the St. Louis metropolitan area.	The permittee shall not operate any hand-fired fuel-burning equipment
10 CSR 10-5.070, Open Burning Restrictions		Shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.	Any person intending to engage in open burning shall submit a request to the Director.
St. Louis City Ordinance 65645, Sec 15, Open Burning Restrictions		Inside St. Louis City limits, no person shall cause or permit the conduct of salvage operation by open burning, the disposal of trade waste by open burning, the open burning of leaves, trees or the by-products therefrom, grass or other vegetation or the open burning of refuse.	Inside St. Louis City – the permittee shall not cause or permit the conduct of salvage operation, the disposal of trade waste or burning of refuse by open burning.
10 CSR 10-5.160, Restriction of Emission of Odors		No person shall emit odorous matter as to cause an objectionable odor in the St. Louis metropolitan area on or adjacent to the locations established in 10 CSR 10-5.160(1)(A)1-3.	No odor violations noted, if and when scentometer readings taken.
10 CSR 10-5.240, Additional Air Quality Control Measures May be Required When Sources are Clustered in a Small Land Area		The Air Conservation Commission may prescribe more restrictive air quality control requirements that are more restrictive and extensive than provided in regulations of general application in the St. Louis metropolitan area for areas specified in 10 CSR 10-5.240(1)(A) and (B).	As stated in the procedures and monitoring approved by the Missouri Air Conservation Commission
10 CSR 10-6.050, Start-up, Shutdown and Malfunction Conditions		Submit a report to the director within 2 days with the information specified in 10 CSR 10-6.050(3)(A)1-10. The permittee shall submit the information specified in 10 CSR 10-6.050(3)(A)1.-10 to the director at least 10 days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed 1 hour.	In the event of a malfunction, which results in excess emissions that exceed 1 hr, the permittee shall submit reports.
10 CSR 10-6.060, Construction Permits Required		Shall not commence construction or modification of any installation subject to this rule; begin operation after construction or modification; or begin operation of any installation which has been shut down longer than 5 years without first obtaining a permit.	The permittee shall apply for and obtain a construction permit as required by 10 CSR 10-6.060. The permittee shall maintain copies of all issued construction permits on site.
10 CSR 10-6.065, Operating Permits		The permittee shall comply with all applicable requirements identified in the operating permit; file for renewal of this OP between 6-18 months prior to the expiration date of this OP; and retain a copy of the OP on-site and make available to any MDNR personnel upon request.	The permittee shall submit an annual compliance certification to the MDNR-APCP/Local Agency on April 15. The permittee shall maintain a current equipment list on-site with the date of installation of the equipment.
10 CSR 10-6.080, Emission Standards for HAPs 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos		Shall follow the procedures and conduct monitoring according to the requirements of 40 CFR Part 61, Subpart M for any affected activities.	As stated in the procedures and monitoring according to the requirements of 40 CFR Part 61, Subpart M.
10 CSR 10-6.100, Alternate Emission Limits		Alternate emission limits on a case-by-case basis.	Obtain an alternate emission limits permit in accordance with 10 CSR 10-6.100 prior to the limits becoming effective.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
 AIR POLLUTION CONTROL PROGRAM
 BASIC OPERATING PERMIT NOTIFICATION-ST. LOUIS SOURCES ONLY(DRAFT)

SECTION B: APPLICABLE REQUIREMENTS

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. The full text of the State and Federal Regulations are available at the respective websites: <http://www.dnr.state.mo.us/cao/forms/index.html> (State); <http://www.tnrc.state.tx.us/permitting/airperm/opd/60/60hmpg.htm> (Part 60); <http://www.epa.gov/ttn/atw/eparules.html> (Part 61); <http://www.tnrc.state.tx.us/permitting/airperm/opd/61/61hmpg.htm> (Part 61); and <http://www.tnrc.state.tx.us/permitting/airperm/opd/82/82hmpg.htm> (Part 82).

REGULATION OR CONSTRUCTION PERMIT REFERENCE	APPLICABLE EMISSION POINT (AS LISTED IN EIQ)	APPLICABLE EMISSION LIMIT OR STANDARD	METHOD OF COMPLIANCE
10 CSR 10-6.110, Submission of Emission Data, Emission Fees and Process Information		Submittal of EIQ by frequency noted in 10 CSR 10-6.110.	The permittee shall complete and submit an EIQ in accordance with 10 CSR 10-6.110.
10 CSR 10-6.130, Controlling Emissions During Episodes of High Air Pollution Potential		This rule specifies the conditions that establish and air pollution alert or emergency and the associated procedures.	The permittee shall submit an appropriate emergency plan if required by the Director.
10 CSR 10-6.150, Circumvention		No circumvention	The permittee shall not conceal or dilute and emission that violates a rule of the Missouri Air Conservation Commission.
10 CSR 10-6.180, Measurement of Emissions of Air Contaminants		The director may conduct or require tests to determine the quantity and/or nature of emission of air contaminants from a source.	The installation shall conduct or allow tests to be conducted upon request of the Director.
10 CSR 10-6.250, Asbestos Abatement Projects – Certification, Accreditation, & Business Exemption Requirements		The procedures for certification and accreditation of 10 CSR 10-6.250.	The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.,250.
10 CSR 10-6.280, Compliance Monitoring Usage		The permittee is not prohibited from using the method specified in 10 CSR 10-6.280(3)(A)1-3 in addition to any specified compliance methods for the purpose of submission of compliance certifications.	Any credible evidence may be used to establish whether a requirement has been violated.
Title VI – 40 CFR Part 82, Protection of Stratospheric Ozone		Labeling of products with ozone-depleting substances – Subpart E; Recycling & emission reduction – Subpart F, except as provided in Subpart B; Class I or II substances – Subpart A; Servicing of Motor Vehicle Air Conditioners – Subpart B	As stated in the procedures and monitoring according to the respective subparts.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
BASIC OPERATING PERMIT NOTIFICATION-ST. LOUIS SOURCES ONLY(DRAFT)

SECTION C: COMMENT FORM (OPTIONAL) Please use for compliance plan (item 29 above) or for additional requirements.			
INSTALLATION NAME	FIPS	PLANT NO.	YEAR SUBMITTED



Kelen Shostak

10/03/2003 04:22 PM

To: Basic Operating Permit Subcommittee

cc: Leanne Tippet/APCP/DEQ/MODNR@MODNR, Jim
Kavanaugh/APCP/DEQ/MODNR@MODNR

Subject: Revised Summary of today's conference call

And here would be the one without my note to APCP staff.

Sorry!

SUMMARY OF BOP SUBCOMMITTEE CONFERENCE CALL- OCTOBER 03, 2003, 9:30 AM

APCP, TAP, Missy Hart, Robert Brundage and representatives with the City of St. Louis participated in the third Basic Operating Permit Modification subcommittee conference call this morning.

5-year permit. The Air Program agreed to discuss the Basic Permit period with upper management about the amount of time a basic operating permit was valid. Pam asked upper management and it was decided that the program wanted to stay with the 5 year time frame.

Compliance certifications. The Air program agreed to discuss the frequency or need for the compliance certifications with upper management. Pam went to upper management and it was decided that the program wanted to continue to receive these certifications on an annual basis.

Omer asked if the certifications could be included with the EIQ packets. Steve Feeler offered to add to the EIQ packets, but it was noted that the information goes to separate sections of the Program - the certifications go to Enforcement and the EIQs go to Technical Support.

Robert Brundage asked if the certification could be part of the EIQ. The program would like to keep them separate for the same reason stated above (different sections handle each item).

Robert Brundage asked about unified review and its role in the Basic Operating Permit notification process. Pam stated that notifications are strictly for Basics and generally the equipment is new equipment not contained in the notification, so unified review would not be necessary if we included rule language for off-permit changes.

Draft notification form for the Basic Permit. Pam suggested that with a 5 year period maybe we should add a place for industry to specify what type of notification (initial, renewal, modification or administrative amendment). Missy Hart said she would make that change and send it out to the group.

Rule Changes. For the Basic Permit Section - Section (4) - Administrative amendment language is going to be added to the Rule for responsible official, contact information and installation name changes to be done via letter rather than changing notification. Off-permit language will be added, modification of the notification contents, and addition of the equipment log along with any other suggestions. Potential removal of the general permit language? Pam discussed that language was going to be added concerning repeat offenders where the permitting authority would draft the permit. Pam agreed to work on drafting the suggested changes to the Section (4) Rule language.

Instructions for Notification Form. Pam volunteered to put together the instructions. It was decided that a regulatory checklist would be included with the instructions.

General Basic Permit. Pam mentioned the possibility of getting rid of the general basic permits now that the notification process has been simplified. The subcommittee agreed to forward this idea to Robert Brundage and Gerry Gregg for their input. **IDEAS/ COMMENTS CONCERNING THIS IDEA????**
(Robert Brundage/ Gerry Gregg???)

Rule Change. Discussion was held concerning how fast the rule could be changed. The rulemaking process usually takes approximately 18 months. However, if we have MACC buy-in we could request a variance once the rule is adopted to make it applicable once adopted. The Air Program agreed to discuss internally what could be done about fast-tracking the rulemaking process.

Intermediate Operating Permit Rule Changes. At the end of the last conference call Pam had asked the group to take a look at the Intermediate rule language and see what changes could be made. Specifically, which items from the Part 70 section could be moved into the Intermediate section so that the Intermediate permit process mirrored the Part 70.

At the end of the call it was decided that a face-to-face meeting was not required next week. Instead, another conference call was going to be held on that day (October 8, 2003) to discuss rule language. Kelen Shostak will be in touch with the time and call-in number Monday morning.

If you should have any corrections/ additions/ etc... regarding this summary please contact Kelen Shostak.

Kelen K. Shostak, P.E.
SIP/IM Unit Chief, Air Pollution Control Program
Missouri Department of Natural Resources
work: (573) 526-3420 fax: (573) 751-2706



Kelen Shostak

10/08/2003 02:52 PM

To: Basic Operating Permit Subcommittee

cc: Leanne Tippet/APCP/DEQ/MODNR@MODNR, Jim

Kavanaugh/APCP/DEQ/MODNR@MODNR

Subject: BOP Subcommittee's next conference call

Subcommittee Members:

The APCP would like to thank Jerry Gregg, Omer Roberts, Kathrina Donegan and Eric Brown for participating in the Basic Operating Permit Subcommittee conference call this morning. I would also like to thank Missy- she tried she just had the wrong time.

Jerry provided input on keeping the General Operating Permit Language in Section (4) of 10 CSR 10-6.065 as an option for the Basic OPs.

Unfortunately, the conference call did not contain a quorum from industry and the subcommittee was unable to move forward on the other issues which need to be discussed prior to the October 28, 2003, Air Program Advisory Forum Meeting. Since we did not have a quorum, we agreed to establish an agenda and try to set up another conference call.

The agenda items established for the next conference call are as follows:

1. Basic OP Rule Language - Draft Revisions e-mailed on 10/07/2003
2. Basic OP Form Instructions - Very Rough Draft e-mailed with questions on 10/08/2003
3. Consensus from subcommittee on keeping General Permit Language for the Basics
4. Intermediate OP Rule Language

Since the agenda is going to be packed, the APCP requests that the subcommittee review the e-mails and the General, Basic and Intermediate OP Rule language and submit your ideas/ comments/ suggested changes via e-mail to the entire subcommittee prior to the call. This will hopefully give the subcommittee the opportunity to understand points of view and assist in coming to a consensus for a recommendation to the Air Program Advisory Forum during the conference call. We need everyone's participation to develop a quality product both Industry and the Regulatory Agencies can agree upon.

Jerry suggested the week of October 20th. Please let me know your availability for a conference call that week. Please let me know by Tuesday of next week (October 14th) what day during the week of the 20th works best.

Thanks for your help. Working together we can make a difference and accomplish the goal of this subcommittee.

Kelen K. Shostak, P.E.
SIP/IM Unit Chief, Air Pollution Control Program
Missouri Department of Natural Resources
work: (573) 526-3420 fax: (573) 751-2706



Kelen Shostak

10/20/2003 08:02 AM

To: Basic Operating Permit Subcommittee

cc: Leanne Tippet/APCP/DEQ/MODNR@MODNR, Jim
Kavanaugh/APCP/DEQ/MODNR@MODNR

Subject: Basic Permit Issues

Subcommittee Members:

This email is an attempt at tying up all of the loose ends associated with the Basic Operating Permit Program. At the forum meeting our subcommittee was tasked with one major job and that was to change the way basics were done. We have accomplished this goal and are in the process of moving on to addressing the Intermediate Permits as discussed in the conference calls. However, I want to make sure that we are all on the same page with each of the components of the basic program.

1. The notification form itself. I have attached the final form to this email. The only thing left to be done concerning this for it to be formatted as per state specs.



BOP Permit_100303.doc BOP Permit_StL_100303.do

2. The notification form instructions. Pam sent out a draft instruction document before our last conference call on October 8, 2003. She asked for comments and posed several questions that need to be answered before the instructions can be finalized. So far only two people (Omer and Paul) have provided comments. I have attached the 10/08 email for your reference (see end of this email). This is your final chance at commenting. I would like to have an approved set of instructions before the forum meeting on the 28th so please provide me any comments and answers to the questions posed by Wednesday, October 22, 2003. If you don't have any comments/ answers to the questions please let me know as well so I know that everyone got the chance to comment.

3. The basic rule language. Pam sent out proposed changes to the Basic Rule as discussed in the October 3, 2003 conference call. Please provide me comments to the language changes by Wednesday, October 22, 2003. Like I said above, if you are okay with the proposed language please let me know that as well so I have a record.



BasicInstructions(10-07-03).dc

4. The possibility of getting rid of the general basic permits now that the notification process has been simplified. Jerry Gregg's mentioned at the Oct 8, 2003 meeting that he did not have a problem keeping the general basics in case they were needed later. I haven't heard anyone else's opinion. Once again, please let me know what you think (yeah, neah, indifferent) by next Wednesday.

Thanks for your time. I think we have made great progress and will have nothing but success to bring to the whole forum.

Kelen K. Shostak, P.E.
MDNR/ APCP
(573) 751-4817

Pam's October 8, 2003 EMAIL: Basic Notification Instructions

I apologize for the delay of the draft and the roughness of the draft for the Instructions. I have attempted to hit some of the high points and need feedback to make the draft more usable. I think a few of the following questions need to be answered by industry reps for the details wanted in the instructions. We want to include enough detail so industry understands what and why we need things, however we do not want to include too much detail that is not necessary. Please take a look at the draft and let me know your opinion of the draft and in particular the following specific issues:

1. How much detail is needed in the Potential to Emit area? What would industry like to see? We would like to provide enough detail so that a New contact person understands what we need.
2. How much detail is needed for the Identification of the Applicable Requirements? We have included a reference to the websites, do we also want the checklist from the P70 instructions? I know we previously suggested doing this, but I wanted everyone to be aware this will add approximately 10-15 pages to the instructions.
3. How much detail is needed in the Section B of the Forms? Do you want the special conditions referenced or spelled out?
4. Are the examples helpful? Do you want any of the examples cut or modified?
5. Are the appendices helpful? Do you want any of the appendices cut or modified?
6. Is the glossary needed?

Please take a look at the very rough draft (I apologize for typos, etc - but late night work sometimes does that) and provide constructive feedback/suggestions. If you want something added, please provide the suggestion and why you think we need it. If you want something removed, please provide the suggestion and why you think we don't need it. Your assistance in developing a product both Industry and the Regulatory Agencies can agree on is greatly appreciated. Thank you.



BasicInstructions(10-07-03).dc

10/20/03 Basic Operating Permit Subcommittee Conference Call- NOTES

Attending:

John R., Ben E., Pam M., Kelen S., Jerry G., Robert B., Melissa H., David R., Dean S., Kathrina D., Joe H. et al., Andy P.

Agenda:

1. Basic OP Rule Language
2. Basic OP Form Instructions
3. Consensus from subcommittee on keeping General Operating Permit Language
4. Intermediate OP Rule Language

Summary of Meeting:

Annual Compliance Certifications:

Jerry G. voiced concern about annual compliance certifications and whether or not the state was going to require these from industry. Missy brought up the fact that the removal of this requirement might be statutory and harder to change. Jerry G. expressed interest in the annual compliance certifications being tied to the EIQ if they were going to be required. Another issue was if these certifications are going to be required can they be submitted every 5 years instead of annually. DNR stated the concerns would be discussed with Steve F. and Leanne T. and get back to the group as soon as possible.

Equipment Log:

Andy P. brought up the suggested rule language which states that these logs are to be kept on-site, not sent to the state with permit. All attendees seemed to be okay with this change. Jerry G. suggested modifying the first sentence to "The installation shall maintain on-site an active list of processing equipment". Robert B. brought up the question of what exactly is supposed to be on this log (units subject to NSPS, grandfathered equipment, equipment not subject to NSPS, etc). DNR stated the equipment list should contain grandfathered as well as permitted equipment. Robert B. agreed that he would work with DNR on rewording this section to make it less confusing.

Notification Form:

Pam asked about getting rid of one of the two phone numbers now on the form (contact # and installation #). It was agreed that they would both stay in case the contact changes.

Instruction Form:

Jerry mentioned some discrepancies with section numbering and lettering. He was reassured that these issues would be ironed out when the forms get formatted and sent through the system to become official state forms.

Fugitive Emissions addressed in Instructions:

Jerry mentioned that fugitive emissions should not be included to be consistent with federal based on previous discussions with Jon Knodel. Pam agreed to contact Jon Knodel regarding suggested language.

Local Info:

Kathrina mentioned that local contact info had changed and that she would email Pam with the correct info.

Compliance Certification:

Jerry mentioned that this language should be updated when a decision has been made. The group agreed.

Potential Applicable Requirements List included in Instructions:

After much discussion it was agreed that the group wanted to keep a list of potential applicable requirements in the instructions. It was agreed on that the length of the instructions was not as big of an

issue as the length of the notification form. Jerry stated that clear instructions is the goal. Jerry asked about keeping diminimus levels in the instructions as well. Kathrina mentioned listing named sources. Melissa H. referenced Kansas forms and how they handle the potential applicable requirements- a checklist of sorts. Pam mentioned that it is industry's call on these issues. Melissa H. asked that a description of appendices be included in parenthesis on the table of contents. Pam agreed to draft language to attempt to include the requested changes.

Section B – Construction Permits - Special conditions:

It was asked whether the subcommittee wanted to reference or spell out special conditions from construction permits. It was agreed that in an effort to keep the notification form short and concise construction permits will be referenced by number and the special conditions will not be spelled out in the operating permit notification form. Referencing will also keep all rules current.

Length of Notification Form:

After much discussion on how to handle special conditions, applicable requirements (MACT, NSPS, etc) Robert mentioned that it seemed the form was getting lengthy again. Melissa H. mentioned that she had looked at KDHE's permit and they attached a NSPS list, NESHAPs list and instructions to the permit notification form. A checklist of RACT was included and facilities checked applicable items. Pam agreed to look at KDHE's process.

Applicable vs Potential Requirements:

It was agreed that on the notification form industry only needs to include regulations that are applicable (not potentially applicable). Robert brought up the fact that sometimes it is hard to determine whether or not a regulation is applicable and that calculations must be done to determine applicability. Jerry and Robert both asked just how "picky" do they have to be when it comes to this. It was suggested that a list of top applicable requirements be stated on the notification form.

Requirements that have multiple options:

Pam asked how the subcommittee wanted to handle regulations which have multiple options on how to apply (eg vapor degreasers). It was decided that the instructions would be modified to read that if multiple options identify specific option on form but referencing would be okay if only one options was identified in the MACT/ NSPS. Pam agreed to draft language to attempt to include the requested changes.

Reporting Requirements as per Operating Permit but not by Regulation:

Robert B. brought up the issue and used the example of opacity monitoring. Pam asked how do industries certify compliance currently. Usually it is based on no complaints, no visible clouds, no violations, etc. Andy P. noted that if an inspector sees a violation it will be cited and the facility will have to respond. It was decided that certification can reflect correction actions taken if issues occurred throughout the certification period. It was agreed that this approach was more applicable for basics and that it couldn't work for bigger facilities. Pam posed the question to the group that DNR be notified if violations were/ did occur instead of using recordkeeping. Jerry stated that this was a good way to go. Pam agreed to draft instruction language for comment by the group and will use an example as well.

Examples, Appendices, Glossary-

The group agreed that these three items were beneficial and should be kept in the instructions. Once again it was stated by the group that it was okay if the instructions get a little lengthy. The main goal of the subcommittee was to keep the notification form brief not necessarily the instructions.

Forum Presentation: Pam asked who wanted to be involved with the presentation to the forum on the subcommittee's progress. Melissa said she would if no one else volunteered. The next conference call was to occur after the forum meeting and the main agenda item will be Intermediate Rule language changes.



Kelen Shostak

11/19/2003 02:44 PM

To: Air Program Advisory Forum
cc:
Subject: Revisions to the Intermediate Rule Language

As per your request at yesterday's Air Program Advisory Forum meeting please see attached.

Please advise if questions.

Thanks,

Kelen K. Shostak, P.E.

St. Louis Air Quality and Mobile Source Coordinator

Missouri Department of Natural Resources

work: (573) 526-3420 fax: (573) 751-2706

----- Forwarded by Kelen Shostak/APCP/DEQ/MODNR on 11/19/2003 02:43 PM -----



Pamela Muren

11/18/2003 05:35 PM

To: Kelen Shostak/APCP/DEQ/MODNR@MODNR
cc: Leanne Tippet/APCP/DEQ/MODNR@MODNR, Missy
Seeligman/APCP/DEQ/MODNR@MODNR, Jim
Kavanaugh/APCP/DEQ/MODNR@MODNR, Shawna
Shewmaker/APCP/DEQ/MODNR@MODNR
Subject: Revisions to the Intermediate Rule Language

Kelen,

Attached is an excel spreadsheet of Intermediate sources in the state as well as an overview of the suggested revisions to the Intermediate rule language. Would you please forward to the Air Program Advisory Forum since I do not have all the e-mail addresses for the members? Thanks.

The APCP is working on revisions to the Intermediate Rule language to streamline the Intermediate operating permit process. The revisions have both benefits for industry and the state and the APCP is looking for feedback on the suggested changes from the regulated industry. We would appreciate feedback prior to December 5, 2003, if possible.

We would like to have the Intermediate Process mirror the Part 70 Process, where the state/locals will draft the permits and industry will have the flexibility of the off permit changes, incorporation by reference of the previous permits and applications and unified review. We have attempted to remove the Part 70 portions of the OP rule which require the Semi-Annual Monitoring Reports and EPA Review (Portions of the Part 70 regulation, I presume industry would not want pulled forward into the Intermediate permits).

The following is a listing of the major elements in the suggested revisions to the intermediate rule language:

- Modify the definition of intermediate to reference the voluntary limits and the Part 70 threshold cutoffs rather than the Basic Program.
- Notifications become applications and the permitting authority drafts the permit - faster process, reduces back and forth between installation and permitting authority for acceptable wording on the notification forms and eliminates confusion with the "date stamped" and "accepted" notifications.
- Renewal Applications - Provides installations the opportunity to incorporate by reference the previous notification and/or permit - therefore reducing the amount of information for the renewal application.
- Off-Permit Changes - Provides the flexibility for off-permit changes and decreases the number of modifications.
- Unified Review - Provides the flexibility for unified review with construction and operating permits.
- Semi-Annual Monitoring Report - This portion of the Part 70 regulation was not pulled forward into the Intermediate language.

- EPA Review - This portion of the Part 70 regulation was not pulled forward into the Intermediate language.
- Application Shield - This portion of the Part 70 regulation was not pulled forward based on EPA comment since the installation is a Part 70 until the Intermediate Permit is issued (accepted).
- Acid Rain Provisions - This portion of the Part 70 regulation was not pulled forward since Acid Rain sources are Part 70s.

Please note: Industry representatives will be consulted while drafting the operating permit and industry representatives will have the opportunity to review the permit prior to placing the permit on public notice.



APAF-IntSources.xls



6065Int-RevisedLanguage(11-17-03).d

Pamela Muren
Environmental Engineer, PE
(573) 751-4817



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

RECEIVED

2004 JAN 16 AM 9:58

AIR POLLUTION
CONTROL PM

13 JAN 2004

Ben Elmore
Air Pollution Control Program
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102

Dear Mr. Elmore:

RE: Intermediate Permits

We continue to find the proposed definition of "Intermediate Installations" confusing. The proposed regulation states: "...compliance with the limitations is not voluntary when the limitation is proposed and the application is found complete." We are uncertain how the application can be enforced by the state since it is not an issued permit. What is the basis for enforcing an application?

In any case, the intermediate permit is not federally enforceable until the permit is actually issued. It is at the point the permit is issued that the facility becomes shielded from Part 70. Final action on the permit (i.e., issuance or denial) cannot occur after the public comment period.

We understand that presently, the Intermediate Permitting program in Missouri is essentially a "notification" program, but that the proposed changes to the state's rules are intended to revise the process to more closely follow the Part 70 permit issuance process (i.e., first, the source submits an application; second, the application is reviewed and public noticed; and finally, the permit is issued or denied).

The December 18, 2003 letter to Vertex Plastics, Inc. and the December 5, 2003 letter to Torque Traction Integration Technologies, Inc., state the following:

"Enclosed is your stamped copy of the notification (application) that you submitted . . . You must keep this copy of the notification at the installation for inspection purposes. . . Please note the expiration date on the notification . . . You must submit your renewal notification six months prior to the expiration date. . . This notification (application) is the operating permit until, and unless, you are notified otherwise. . . Intermediate State Installation operating permits must also go through a public review and comment period. Once we have determined your notification (application) to be technically complete, your draft notification (application) will go through a public participation period. . . An acceptance letter will be sent to you after all comments have been appropriately addressed . . . You must continue to abide by all the conditions and requirements stated in your notification (application). . ."

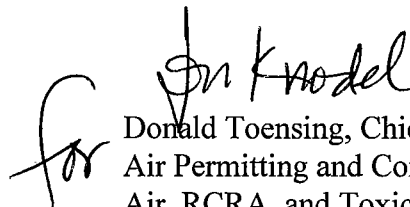
We continue to find this language confusing. On the one hand, the letter states that the notification is the permit and is (enforceable by the state) even prior to the public comment period. On the other hand, however, the letter indicates that a public comment period is required before the permit can be issued. How is the application enforceable if it is not actually the permit?

The dates of receipt, acceptance, permit issuance and expiration are also confusing to us, and we believe may be confusing to the permittees as well. The date stamp on the Vertex Plastics, Inc. application reads: "RECEIVED Date: 5/3/03 Expires: 5/2/06." This would appear to indicate that the intermediate permit becomes effective on 5/3/03 and expires on 5/2/06. However, the public notice has not been completed as of 5/3/03, so this seems inconsistent with the language in the letter routinely used. If the application is not the permit, how can the application expire?

As we have discussed with you previously, the intermediate permittee is not shielded from Part 70 until the Intermediate Permit itself is issued (not just the application received). The last sentence you have proposed in the revised Intermediate Installation definition, which states: "The intermediate permit does not shield the installation from the requirements of Part 70 until the permit is issued, and federally-enforceable." appears to adequately cover this issue. However, in order to ensure that the concept of when the "permit is issued" (as opposed to when the permit application is received or determined to be complete) is clearly understood by the installation, we believe that the issue of whether or not the application is enforceable by the state prior to issuance of the permit must be clarified.

If you have any questions regarding this letter, please contact Harriett Jones, of my staff, at (913) 551-7730, or at jones.harriett@epa.gov.

Sincerely,

for

Donald Toensing, Chief
Air Permitting and Compliance Branch
Air, RCRA, and Toxics Division

cc: Pamela Muren
Missouri Department of Natural Resources